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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/700,927 | 11/04/2003 | Toshifumi Kamiya | 4041J-000803 | 5841 |
| 27572 | 7590 | 10/18/2006 | EXAMINER | |
| HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303 | | | | FORD, JOHN K |
| ART UNIT | | PAPER NUMBER | | |
| | | 3744 | | |

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/700,927 | KAMIYA ET AL. | |
| | Examiner | Art Unit | |
| | John K. Ford | 3753 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 7/21/06
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 is/are withdrawn from consideration.
- 5) Claim(s) 10-17 is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11/4/03 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/4/03</u> | 6) <input type="checkbox"/> Other: _____ |

Applicant's election of the first species (description beginning on page 4, line 27 of the specification), without traverse, is acknowledged. Applicant as identified claims 1-5 and 10-17 as readable on the elected species.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Yasuda et al. (USP 4,881,456).

Grills are provided at the discharge of wall outlets that are provided in the ceiling (Gfl1, Gf12 etc) and dashboard (e.g. Ga, Gb and Gc) as well as numerous other locations into the vehicle compartment of the automobile. An evaporator and heater are shown in Figure 1. A plurality of control means including a control for the air-mix damper (DMPn) are shown. The volume of air being discharged from many of the

outlets is independently controlled by control dampers (see, for example, DMPf, DMPg, DMPh, DMPi, DMPa, DMPc, DMPb etc).

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Yasuda et al. (USP 4,881,456) and either DE 10011932 or DE 4338099.

In Yasuda, grills are provided at the discharge of wall outlets that are provided in the ceiling (Gf1, Gf2 etc) and dashboard (e.g. Ga, Gb and Gc) as well as numerous other locations into the vehicle compartment of the automobile. An evaporator and heater are shown in Figure 1. A plurality of control means including a control for the air-mix damper (DMPn) are shown. The volume of air being discharged from many of the outlets is independently controlled by control dampers (see, for example, DMPf, DMPg, DMPh, DMPi, DMPa, DMPc, DMPb etc). The exact construction of the grills is not disclosed.

DE 10011932 teaches a perforated cover 15 to diffuse conditioned air into the compartment in combination with direct discharge 11. DE 4338099 teaches a perforated cover 21 to diffuse conditioned air into the compartment in combination with direct discharge 17. To have provided such a perforated cover in the dashboard of Yasuda in combination with the dashboard discharges (e.g. Ga, Gb and Gc) shown in Yasuda to advantageously improve occupant comfort would have been obvious to one

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of ordinary skill in the art in view of either of the teachings of DE 10011932 or DE 4338099.

Claims 1, 2, 3, 4 and 5 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a)-as obvious over JP 58-126210.

In JP '210, the heater and cooler are shown as well as two air mix dampers 16 and 17 that permit independent air temperature control for the driver and passenger of the vehicle through air vents 21. The air exudes into the compartment through air grills at the end of the vents 21.

Claims 1, 2, 3, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of JP 58-126210 and DE 10011932.

In JP '210, the heater and cooler are shown as well as two air mix dampers 16 and 17 that permit independent air temperature control for the driver and passenger of the vehicle through air vents 21. The air exudes into the compartment through air grills at the end of the vents 21.

DE 10011932 teaches a perforated cover 15 to diffuse conditioned air into the compartment in combination with direct discharge 11. To have provided such a perforated cover in the dashboard of JP '210 in combination with the dashboard

discharges 21 shown in JP '210 to advantageously improve occupant comfort would have been obvious to one of ordinary skill in the art in view of the teaching of DE 10011932.

Claims 10-17 are allowed. Please check these claims carefully for consistency with the disclosure.

Any inquiry concerning this communication should be directed to John K. Ford at telephone number 571-272-4911.



John K. Ford
Primary Examiner